

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1475 of 2000**

**In**

**First Appeal No. 28 of 81**

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Lalo Sahni son of Late Mahabir Sahni resident of village Maida  
Bavangama, P.S. Barauni, District Begusarai.

.... .... Appellant/s

Versus

1. Phul Kumari Devi wife of late Deoki Singh resident of Musadpur, P.s. Barauni, District Begusarai.
2. Smt. Lachhmi Kumari daughter of late Deoki Singh resident of village Musadpur, P.S. Barauni, District Begusarai ... Plaintiffs-Respondents-
3. Santosh Kumar Singh son of late Sita Ram resident of village Musadpur, P.S. Barauni, District Begusarai.
4. Banarsi Yadav son of late Darsan Yadav resident of village Harpur, P.S. Tilratha, District Begusarai.
5. Alim Khan
6. (a) Md. Usman Khan son of Satto Khan  
(b) Jamil Khan
7. Jamil Khan
8. Firoz Khan , respondents 5,7 and 8 son of Walyat Khan and all respondents 5 to 8 are resident of village Bathauli, P.S. Barauni, District Begusarai.
9. Md. Ismail Khan son of Abdul Shakoor Khan resident of village Deona, P.S. Barauni, District Begusarai.
10. Abdul Shakoor Khan son of Nawab Khan resident of village Deona, P.S. Barauni, District Begusarai.
11. Janardan Singh son of Ayodhya Singh resident of village Madhurapur, P.S. Teghra, District Begusarai .. . Defendants-Appellants 1<sup>st</sup> party – Respondent 2<sup>nd</sup> set.
12. a) Nakul Yadav  
b) Hare Ram Yadav  
c) Ram Sewak Yadav All sons of late Baun Yadav  
d) Yashwant Yadav son of late Nakul Yadav, all residents of village Hamodih, P.S. Barauni, District Begusarai.
13. i) Jagdeo Mahto son of Late Punit Mahto  
ii) Mahendra Mahto  
iii) Devendra Mahto  
iv) Surendra Mahto  
v) Birendra Mahto ,  
All sons of Jagdeo Mahto
13. ii) Sukhdeo Mahto son of late Punit Mahto  
ii((a) Ram Bilash Mahto  
(b) Naresh Mahto  
Both sons of Sukhdeo Mahto
- 13 iii) Narayan Mahto son of late Punit Mahto  
iii)(a) Rakesh Kumar  
(b) Mukesh Kumar, both sons of Sri Narayan Mahto  
All are residents of village Bakhatpur, P.S. Barauni, District Begusarai.
14. Basudeo Mahto son of Anti Mahto resident of village Sultanpur, P.S.

Barauni, District Begusarai.

15. Moti Khan son of Safique Khan resident of village Deona, P.S. Barauni, District Begusarai.

16. Islam Khan son of Safique Khan resident of village Deona, P.S. Barauni, District Begusarai.

17. Rizwan Khan

18. Irfan Khan, both sons of Jalil Khan resident of village Deona, P.S. Barauni, District Begusarai.

19. i) Khurshid Alam Khan son of Late Alim Khan

ii) Motiur Rahman Khan son of Late Alim Khan

iii) Saiyad Akhtar Khan son of Late Alim Khan

iv) Alam Ara daughter of Late Alim Khan

v) Naaz Khanam daughter of Late Alim Khan

All resident of village Bathauli, P.S. Barauni, District Begusarai.

20. i) Most. Mustaquima wife of Late Motiur Rahman

ii) Most. Sairun Nisa wife of Late Motiur Rahman

iii) Fakhre Alam

iv) Afaq Akhtar

v) Noor Hasan

vi) Sitara

vii) Sanjari

viii) Mustari

ix) Mahzavi

(iii) to (v) minor sons and (vi) to (ix) minor daughters of Motiur Rahman (deceased) under the guardianship of their dear mother and next friend, all resident of village Ladhauli, P.S. Barauni, District Begusarai.

20.(A) Chandradeo Mahto son of Sri Chan Mahto resident of village Bakhatpur, P.S. Barauni, District Begusarai.

21. Amarnath Singh Son of Chandradeo Singh resident of village Harbur, P.S. Barauni, District Begusarai.

22. Sita Devi wife of Yogendra Singh and daughter of late Deoki Singh resident of village Ramdiri, P.S. Barauni, District Begusarai.

23. Mun Mun Devi wife of Ramesh Singh and daughter of Deoki Singh resident of village Dhorani Tola, Mokamah, P.S. Mokamah, District Patna.

24. Shanti Devi wife of Chandra Rai and daughter of lae Deoki Singh resident of village Madhepura, P.S. Madhubani, District Madhubani . . . . . Appellants 3<sup>rd</sup> party.. Respondent 3<sup>rd</sup> Set.

25. Kedarnath Maskara son of Bhola Nath Maskara resident of Mainachak, P.S. Begusarai, District Begusarai.

26. Lakhan Singh son of Sri Anant Singh resident of village Musadpur, P.S. Barauni, District Begusarai.

27. Garib Yadav son of Tilo Yadav resident of village Kessavey, P.S. and District Begusarai.

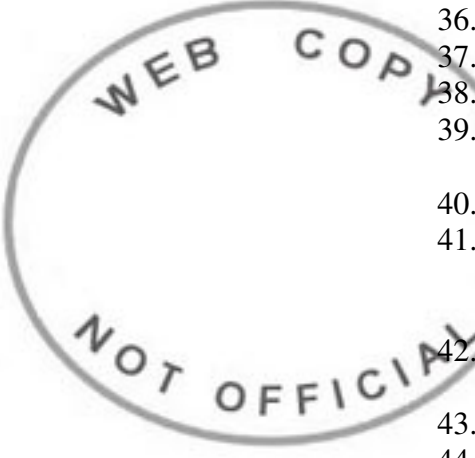
28. Sheikh Tafique son of Sheikh Milzavi

29. Sheikh Siddique son of Sheikh Milzavi

30. Sheikh Hadik son of Sheikh Milana

31. Sheikh Abdulla son of Sheikh Milzavi, resident of village Bathauli, P.S. Barauni, District Begusarai.

32. Mostt. Bibi Tansul Nissa wife of Natho Khan resident of village Deona, P.S. Barauni, District Begusarai.

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33. Md. Yasin  
 34. Md. Shamsuddin Khan  
 35. Md. Kamruddin Khan  
 36. Manjoor Khan  
 37. Md. Balauddin Khan  
 38. Md. Kutubuddin Khan  
 39. Md. Saddiuddin Khan , all sons of Fida Hussain, resident of village Deona, P.S. Barauni, District Begusarai.  
 40. Ramanuj Sharma son of Late Ram Prasad Sharma  
 41. Urmila Devi wife of Ramanuj Sharma , both resident of village Maida, Bhavangama, P.S. Barauni, District Begusarai (Respondent nos. 27 and 28 of Memo)  
 42. Mostt. Bibi Aquna Khatoon wife of late Zahiruddin Khan resident of village Deona, P.S. Barauni, District Begusarai.  
 43. Tazamul Khan son of Nawab Khan  
 44. Khan son of Abdul Shakoor Khan both resident of village Deona, P. S. Barauni, District Begusarai.  
 45. Soman Mahto son of late Nunu Mahto resident of village Bakhatpur, P.S. Barauni, District Begusarai (respondent no. 25). . . . .  
 .Respondents 4<sup>th</sup> Party/Set.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajni Kant Jha  
 For the Respondents 40 & 41 : Mr. Dronacharya  
 Mr. Randhir Kumar No. I

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**  
**and**  
**HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
 ORAL ORDER  
 (Per: HONOURABLE MR. JUSTICE V.N. SINHA)

9      30-04-2015      Heard learned counsel for the appellant and respondent nos. 40 and 41.

The present Letters Patent Appeal has been filed assailing order no. 87 dated 8.8.2000 passed in First Appeal No. 28 of 1981 wherein it was held that the suit abated against the heirs of deceased appellant nos. 1, 10 and 11 and the decree under appeal became final as against the heirs of deceased appellant no.

1. The present letters patent appeal has been filed assailing the aforesaid order by Lalu Sahni who is purchaser from Savitri Devi. Savitri Devi purchased the land in question from Sita Ram Singh, defendant no. 1 in Title Partition Suit No. 51 of 1970 which was filed by Deoki Singh father of defendant no. 1 and was disposed of under judgment and decree dated 17.04.1980.

The aforesaid judgment and decree dated 17.04.1980 was challenged in First Appeal No. 28 of 1981 which stood abated as against appellant no. 1 and his purchasers, appellant nos. 10 and 11 under order no. 87 dated 08.08.2000. The appeal having abated judgment became final against appellant no. 1.

No useful purpose will be served by keeping this appeal pending which is dismissed directing the appellant for taking steps for preparation of final decree as the land purchased by him through Savitri Devi shall also become part of Takhta of defendant no. 1 Sitaram Singh, vendor of Savitri Devi.

**(V.N. Sinha, J)**

**(Nilu Agrawal, J)**

Amin/-

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